

Remarks

Claims 13-18 and 24-35 are pending. Claims 13-18 and 24-35 are rejected. Claims 1-12 and 19-23 have been previously canceled.

Amendment to the Claims

Claims 13 and 32 are amended with merely clarifying amendments. Support for these clarifying amendments may be found throughout the specification, for example, page 17, line 23 – page 19, line 1 (“The CPU 66 searches the cache markers of signal sets, and if a cache marker 34 does not identically match a cache marker already in storage, the CPU stores that signal set and cache marker in a user independent cache 70”).

Claims 36-38 are newly added. Support for these claims may be found throughout the specification, for example, page 11, lines 13-20 (“Spectrum in the gaps of Figures 1B and 1C is not wasted, but rather the entire spectrum is preferably re-apportioned so that no gaps exist, at least not on those channels accessible by users. This re-allocation can be done by contracting the bandwidth dedicated to the channel of Figure 1C and other such channels, by using a spread spectrum transmission technique that exploits all available bandwidth, or other methods known in the art”); and page 8, line 14 – page 9, line 6 (“the commercial advertisement remains stored in a local storage cache after it is first displayed”).

No new matter is added.

Interview Summary

A telephone interview was held on June 08, 2011 at 3:00 pm between Ricardo Ochoa, Examiner Koenig and Examiner Thomas. During the interview, claim 31 and the Tanaka reference were discussed. The Examiner argued that the term “organizing”, as claimed, was interpreted broadly.

No agreement was reached.

Claim Rejection - 35 U.S.C. 103(a)

The Examiner has rejected claims 13, 16-17, 24-26, 29-30 and 32-35 as being unpatentable under 35 U.S.C. 103(a) over Flickinger et al. (U.S. Patent Application Publication No. 2002/0083441 A1), herein Flickinger, in view of Morrison (U.S. Patent No.

5,815,671), herein Morrison, Tanaka et al. (US Patent No. 7,146,631), herein Tanaka, Hite et al. (US Patent No. 5,774,170), herein Hite, Liga et al. (U.S. Patent Application Publication No. 2003/0154128 A1), herein Liga, and Son et al. (U.S. Patent Application Publication No. 2002/0026645 A1), herein Son; claim 31 as being unpatentable under 35 U.S.C. 103(a) over Flickinger in view of Morrison, Tanaka, Hite, Liga, Son and Lowthert et al. (U.S. Patent Application Publication No. 2002/0100043), hereinafter Lowthert; claims 14 and 15 as being unpatentable under 35 U.S.C. 103(a) over Flickinger in view of Morrison, Tanaka, Hite, Liga, Son and Picco et al. (U.S. Patent No. 6,029,045), herein Picco; claims 18 and 27 as being unpatentable under 35 U.S.C. 103(a) over Flickinger in view of Morrison, Tanaka, Hite, Liga, Son and Pudar et al. (U.S. Patent Application Publication No. 2002/0184091 A1), herein Pudar; and claim 28 as being unpatentable under 35 U.S.C. 103(a) over Flickinger in view of Morrison, Tanaka, Hite, Liga, Son, Pudar and Picco. The Applicants include the following comments to clearly distinguish the claimed invention over the art cited by the Examiner, and respectfully request a favorable reconsideration of claims 13-18 and 24-35.

These rejections are respectfully disagreed with, and are traversed below.

The Examiner is respectfully reminded that, in accordance with the MPEP, the Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Examiner must ascertain the differences between the claimed invention and the prior art. However, the gap between the prior art and the claimed invention may not be so great as to render the claim nonobvious (see MPEP § 2141-2142).

Regarding claim 13, which recites:

“A method for time-shifting at least one of a plurality of received cohesive signal sets, comprising:

receiving a first cohesive signal set having a first cohesive signal set size, the first cohesive signal set comprising a cache marker at a first time and the first cohesive signal set is associated with an advertiser;

based on the presence of the cache marker, determining whether the cache marker identically matches a cache marker already stored in a computer readable storage medium;

based on a determination that the cache marker does not identically

match a cache marker already stored in the computer readable storage medium, automatically storing said first cohesive signal set in the computer readable storage medium;

receiving a second cohesive signal set comprising a recall marker at a second time, the recall marker having a recall marker size;

in response to receiving a user request for the second cohesive signal set after the first time and the second time, determining whether a cohesive signal comprising an exact cache marker match to the recall marker is located in the computer readable storage medium;

in response to determining that a cohesive signal comprising an exact cache marker match to the recall marker is not located in the computer readable storage medium, determining whether an advertiser associated with the recall marker is the advertiser associated with the first cohesive signal stored in the computer readable storage medium; and

in response to determining that the advertiser associated with the recall marker is the advertiser associated with the first cohesive signal stored in the computer readable storage medium, outputting the requested second cohesive signal set and the first cohesive signal set in a timed relation relative to one another that differs from a timed relation in which they were received,

wherein the output timed relation is determined by the recall marker,

where the first cohesive signal set is intermixed with the second cohesive signal set, and

where the recall marker size is significantly less than the first cohesive signal set size" (emphasis added).

Neither Flickinger, Morrison, Tanaka, Hite, Liga nor Son is suggested as teaching:

"based on the presence of the cache marker, determining whether the cache marker identically matches a cache marker already stored in a computer readable storage medium;

"based on a determination that the cache marker does not identically match a cache marker already stored in the computer readable storage medium, automatically storing said first cohesive signal set in the computer readable storage medium".

As neither Flickinger, Morrison, Tanaka, Hite, Liga nor Son discloses or suggests "based on the presence of the cache marker, determining whether the cache marker identically matches a cache marker already stored in a computer readable storage medium" and "based on a determination that the cache marker does not identically match a cache marker already stored in the computer readable storage medium, automatically storing said first cohesive signal set in the computer readable storage medium" as in claim 13, the combination of Flickinger, Morrison, Tanaka, Hite, Liga and Son (which the Applicants do not assert there is a motivation to so combine or that such a combination is feasible), herein Flickinger-

Morrison-Tanaka-Hite-Liga-Son, also does not disclose or suggest these elements of claim 13. As Flickinger-Morrison-Tanaka-Hite-Liga-Son does not disclose or suggest all elements of claim 13, claim 13 is not made obvious by Flickinger-Morrison-Tanaka-Hite-Liga-Son. For at least this reason, claim 13 is in condition for allowance.

As claim 32 recites similar language to that discussed above with reference to claim 13, claim 32 is likewise in condition for allowance. As claims 16, 24-26, 29-30 and 32 depend upon claims 13 and 32, they are likewise in condition for allowance.

As seen above, Flickinger-Morrison-Tanaka-Hite-Liga-Son does not disclose or suggest claims 13 and 32. As claims 13 and 32 are allowable over Flickinger-Morrison-Tanaka-Hite-Liga-Son then all claims that depend from claims 13 and 32 should also be allowable over Flickinger-Morrison-Tanaka-Hite-Liga-Son, whether considered alone or in combination with other art cited as applied by the Examiner. Further, the addition of the disclosures of Lowthert, Picco and/or Pudar to Flickinger-Morrison-Tanaka-Hite-Liga-Son (without admitting that such combinations are suggested or technically feasible), would not cure the deficiencies in the disclosure of Flickinger-Morrison-Tanaka-Hite-Liga-Son. For at least this reason, claims 14-15, 17-18, 27-28 and 31 are in condition for allowance.

In light of the discussion above, the Applicants respectfully assert that a prima facie case for obviousness was not presented as required. As such, the Applicants respectfully request that the Examiner reconsider and withdraw these rejections to claims 13-18 and 24-35.

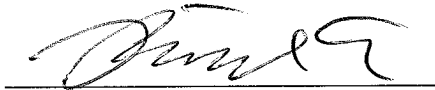
Newly added claims 36-38 depend upon claims 13 and 32, which, as shown above, are in condition for allowance. Therefore, claims 36-38 are likewise in condition for allowance.

For the foregoing reasons, the Applicants believe that each and every issue raised by the Examiner has been adequately addressed and that this application is in a condition for allowance. As such, early and favorable action is respectfully solicited.

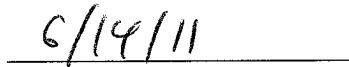
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